## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

UNITED STATES OF AMERICA,	)
Plaintiff,	) ) ) Case No. 4:11-CV-00077-RWS
<b>v.</b>	) Judge Rodney W. Sippel
AMEREN MISSOURI,	)
Defendant.	)
	)

## AMEREN MISSOURI'S MOTION TO COMPEL DISCOVERY REGARDING EPA'S RECENT STATEMENTS ABOUT IMPROVING THE EFFICIENCY OF COAL-FIRED POWER PLANTS

For the reasons set forth in the accompanying memorandum in support, Defendant Ameren Missouri ("Ameren"), by its attorneys, respectfully moves for an order compelling Plaintiff United States of America to provide discovery on the factual support for EPA's statements, made in the Technical Support Document offered in support of the recently-proposed greenhouse gas rule, regarding efficiency improvements at coal-fired power plants that are derived from repair and equipment replacement work.

Specifically, Ameren seeks an order compelling EPA to provide discovery in response to Ameren's Requests for Production Nos. 123-130, Interrogatory Nos. 64 and 65, and Ameren's FRCP 30(b)(6) Notice of Deposition on Efficiency.

Pursuant to Local Rule 3.04, on July 18, 2014 Ameren's counsel conferred in good faith with EPA's counsel regarding the requested discovery. Despite their sincere efforts to resolve this issue, counsel were unable to reach an accord.

WHEREFORE, as discussed more fully in the accompanying memorandum in support, Ameren respectfully requests that the Court grant this motion and enter an order compelling EPA to provide the discovery listed above.

Dated: July 21, 2014 Respectfully submitted,

/s/ Matthew B. Mock

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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 21, 2014, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will cause an electronic copy to be served on counsel of record, who are listed below:

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